

#### **IV. REMARKS**

##### ***Claims Status***

Claims 1-19 and 12-23 are pending. Claims 24-27 are newly presented; claims 13 and 14 are cancelled.

##### ***New Claims***

Claims 24 and 25 are rewritten claims 13 and 14, now cancelled. Claims 26 and 27 claim an alternative range for sodium pyruvate. Basis appears at page 4, line 18. Basis for the existing range appears in originally filed claim 2.

##### ***Objection to Specification***

The specification is objected to as lacking support for the weight % of different components as claimed in claims 1-19 and 12-23 because the percent concentrations of different components constituting nutrient medium compositions with respect to the agar described in Tables 1 and 2 are not in the same range as those claimed in Claims 1-9 and 12-23.

Applicant respectfully suggests the examiner is misreading the results of the experiments as set forth in Tables 1 and 2.

These Tables do not set forth the quantities of components of the claimed compositions. The Tables show the quantity of H<sub>2</sub>O<sub>2</sub> concentration [Table 1] or the number of *S. aureus* colony forming units. [Table 2]. The compositions utilized for the tests reported in Tables 1 and 2 are disclosed as preferred embodiments in Examples 1 and 2 [spec. pp. 5-6].

The broad ranges appear in the specification at p. 3, lines 17-20, p. 4, lines 4, 12-13 and 18 and originally filed claim 2.

Reconsideration is respectfully requested.

***Objection to the Claims***

Claims 7, 12 and 21 stand objected to in that claims 7 and 21 lack antecedent basis for "buffer" and the word "a" renders claim 12 unclear.

Claims 7 and 21 have been amended to provide basis for "buffer" and the word "a" has been removed from claim 12, line 5, thus obviating this ground for objection.

***Claim Rejections - 35 U.S.C § 112***

Claims 13-14 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to further limit claim 12.

Claims 13 and 14 have been cancelled and rewritten as claims 24 and 25 where claim 24 is limited to testing air and claim 25 is limited to testing surfaces.

***Conclusion***

Applicant believes that the amendments to the claims and the discussion set forth above obviate the grounds for the examiners rejection of the claims and therefore respectfully request favorable reconsideration by the examiner and early allowance of the claims. The

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Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 14-1263.

Respectfully submitted,

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